IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 13192 of 2003

Between:

C.Venkataiah s/o Venkaiah
M.B.High School, Narayanpet., Mahabubnagar District.

..... PETITIONER

AND

1 Regional Joint Director of School Education., Hyderabad.
2 District Educational Officer., Mahabubnagar District., Mahabubnagar.
3 Chairman., Board of Education M.H.Schools., Mahabubnagar District., Mahabubnagar.
4 Secretary., Board of Education (CC) M.B.Schools., H.No.16-155, Brahmamgari St., Wanaparthi., Mahabubnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the respondents in issuing notification for direct recruitment for filling up of posts of Record Assistants in 3rd & 4th respondents institutions is illegal and void and also against to articles 14 & 16 of Constitution of India and in consequence thereof to direct the Respondents to promote the petitioner as Record Assistant by following G.O.Ms.No.5, dated 14-2-2003 and G.O.Ms.No.21 dated 18-3-2003 by issuing a Writ, order or direction from this Hon'ble Court as this Hon'ble Court may deems fit and proper.

Counsel for the Petitioner: MR.V.V.NARASIMHA RAO

Counsel for the Respondents: Mr.S. Srinivas Reddy, G.P. for School Education

The Court made the following :

ORAL ORDER:

Though the petitioner has filed this writ petition to declare the action of the respondents in issuing notification for direct recruitment for filling up of the posts of Record Assistants in the 3rd and 4th respondents-institutions as illegal and void, but he has restricted his relief only to the extent that the representation dated 6.9.2002 before the 3rd respondent to consider his case for promotion as Record Assistant has not been disposed of and therefore, the 1st and 4th respondents may be directed to consider his representation.

It is the case of the petitioner that he was appointed as Attender under the control of the 4th respondent-M.B.School, Wanaparthi and his services were also regularized and he is receiving the Government pay scales regularly. It is stated that there are certain vacancies for the posts of Record Assistants and therefore, he is eligible and qualified for promotion to the said post. Without going into the merits of the case, I am of the opinion that when the representation of the petitioner is pending before the authorities concerned, it is just and proper for them to consider and dispose of the petitioner's representation in accordance with law.

Having regard to the facts and circumstances of the case, the 1st and 4th respondents are directed to consider the representation, dated

6.9.2002 made by the petitioner and dispose of the same in accordance with law within six weeks from the date of receipt of a copy of this order, if not already disposed of.

The writ petition is disposed of in terms of the above direction. There shall be no order as to costs.

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(V. ESWARAIAH, J.)

28th October, 2004.

bcj

To

1 Regional Joint Director of School Education., Hyderabad.
2 District Educational Officer., Mahabubnagar District., Mahabubnagar.
3 Chairman., Board of Education M.H.Schools., Mahabubnagar District., Mahabubnagar.
4 Secretary., Board of Education (CC) M.B.Schools., H.No.16-155, Brahmamgari St., Wanaparthi., Mahabubnagar District.

5 Two C.Cs. to the Government Pleader for School Education, High Court Buildings, Hyderabad (OUT)

6 Two C.D. copies